

08-03-00

Docket No.: 97-0506D4

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James L. Kroening et al.

Entitled: METHOD AND SYSTEM FOR PROVIDING SOFTWARE UTILIZING A
RESTORE MEDIUM AND A NETWORK

August 2, 2000

To the Assistant Commissioner
for Patents
Box Patent Application
Washington, D.C. 20231

CERTIFICATE OF MAILING BY EXPRESS MAIL

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Date of Deposit August 2, 2000

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ReNea D. Berggren

Signature

Dear Sir:

REQUEST FOR FILING A NATIONAL PATENT APPLICATION

Transmitted herewith for filing, please find the following:

- ☒ 1. Specification, claims and abstract of the above-referenced patent application having 32 pages.
- ☒ 2. 7 sheet(s) of drawing(s) (☒ formal ☐ informal) comprising Figures 1 through 7.
- ☒ 3A. Declaration (☐ signed ☒ unsigned).
- ☒ 3B. Power of Attorney (☐ signed ☒ unsigned).
- ☐ 3C. No filing fee, Oath, or Declaration is enclosed pursuant to 37 C.F.R. 1.53(d).
- ☐ 4. Information Disclosure Statement along with Form PTO-1449 and references.

- ☒ 5. This is a: ☐ Original; ☐ Provisional; ☒ Continuation-In-Part; ☐ Divisional; ☐ Continuation; ☐ substitute Application (MPEP 201.09) of Application Serial No. ☐ filed ☐; ☐ reissue of U.S. Patent No. ☐ filed on ☐.

An extension to extend the life of the above prior Application to at least the date of filing hereof

(One box must be marked)

- (a) ☐ is concurrently being filed in that prior Application,
(b) ☐ was previously filed in that prior Application,
(c) ☒ is not necessary for copendency.

- ☐ 6. Attached is an assignment to **Gateway, Inc.** Please return the recorded assignment to the undersigned.

- ☒ 7. Priority is claimed under 35 U.S.C. §120, based on Application numbers: 09/090,118 filed on June 4, 1998; PCT/US99/08095 filed on April 13, 1999; 09/093,514 filed on June 8, 1998; and 09/562,870 filed on May 1, 2000.

- ☐ 8. Attached: ☐ (No.) verified statement(s) establishing "small entity" status under 37 CFR § 1.9 and 1.27.

- ☒ 9. Attached:

☒ Return Postcard
☐ (Other)

- ☐ 10. Preliminary Amendment:

Prior to a first Office Action, kindly amend the Application as follows:

11. The following Filing Fee calculation is based on the claims filed less any claims canceled by the Preliminary Amendment of Item 10.

| | | | | | SMALL ENTITY RATE | | LARGE ENTITY RATE | | |
|---|-----------------|-----|---|-----------------|-------------------------|-----------|-------------------------|---|-------------------|
| BASIC FEE | | | | | \$345 | <u>OR</u> | \$690 | = | \$690 |
| | NUMBER FILED | | | NUMBER EXTRA | | | | | |
| TOTAL CLAIMS | 37 | -20 | = | 17 | \$9 | <u>OR</u> | \$18 | = | \$306 |
| INDEP. CLAIMS | 4 | -3 | = | 1 | \$39 | <u>OR</u> | \$78 | = | \$78 |
| If any <u>proper</u> multiple dependent claim (ignore improper) is present (Enter \$0.00 if this is a <u>reissue</u> application.) | | | | | \$130 | <u>OR</u> | \$260 | = | \$0 |
| If assignment is x'd (item 6), add recording fee \$40.00 | | | | | | | | | \$0 |
| Attached is a Rule 47 Petition (inventor refuses to sign or cannot be reached) \$130 | | | | | | | | | \$0 |
| TOTAL FILING FEE | | | | | | | | = | \$1,074.00 |

- ____ 12. A check in the amount of \$_____ to cover the Filing Fee calculated in Item 11 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 50-0439.
- ____ 13. Please charge my Deposit Account No. 50-0439 in the amount of **\$1,074.00** to cover the Filing Fee calculated in Item 11. This sheet is attached in duplicate.
- ____ 14. The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and may be required under 37 CFR 1.16-1.18 (missing or insufficiencies only) now or hereafter relative to this application and for the resulting Official Document under 37 CFR 1.20, and to have and cause any necessary petition for extension of time to be filed and any fees necessary to be paid for said extension of time OR credit any overpayment to our Deposit Account No. 50-0439, for which purpose a duplicate copy of this sheet is attached. **The Commissioner is not authorized to charge the issue fee until/unless an issue fee transmittal form is filed.**
- X 15. No filing fee is being paid at this time.

DATED: August 2, 2000

Respectfully submitted,
James L. Kroening et al.

By:



William J. Breen, III
Reg. No. 45313

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